

REMARKS

Claims 1-30 are presently pending in the application. Claims 31-34 have been canceled without prejudice or disclaimer of the subject matter described therein. Applicant respectfully requests issuance of a notice of allowance for this application in view of the amendments to the claims and the following remarks.

The 35 U.S.C. §103(a) rejections

Claims 1-15, 18-29, and 31-32 stand rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,038,434 to Miyake (hereinafter referred to as "Miyake") in view of U.S. Patent No. 6,957,053 to Moers (hereinafter referred to as "Moers"). In addition, Claims 16-17, 30, and 33 stand rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Miyake, in view of Moers, and further in view of U.S. Patent No. 5,661,811 to Huemann et al. (hereinafter referred to as "Huemann"). Applicant respectfully traverses these rejections because each and every limitation provided in Claims 1-30 are not taught, suggested or disclosed by the cited references either alone or in combination. Thus, a *prima facie* case of obviousness has not been established.

Claims 1-17

Claim 1 describes a digital signal processor connected with the first tuner and the second tuner, where the first audio signal and the second audio signal are processed by the digital signal processor to generate a first audio output signal and a second audio output signal. In the Office Action mailed June 5, 2006, it was acknowledged that Miyake "does not disclose....a digital signal processor connected to the tuners for processing audio signals." However, it was asserted that Moers describes these limitations.

Applicant respectfully traverses this assertion because the DSP (6) in Moers does not process a first audio signal and a second audio signal to generate a first audio output signal and a second audio output signal as described in Claim 1. To the contrary, although Moers' DSP (6) is

supplied a baseband signal from a first tuner circuit (2) via a signal line (5) for processing (Col. 4 lines 7-13), Moers' second tuner circuit (2) is connected to Moers' DSP (6) via only a control bus (10). (Col. 3 lines 48-52) Moers' control bus (10) is part of a tuning control means (Col. 3 lines 45-52) so that a tuning frequency of the second tuner circuit can be automatically varied. (Col. 4, lines 23-27)

Nowhere does Moers teach or suggest that Moers' DSP processes a first audio signal and a second audio signal to generate a first audio output signal and a second audio output signal as described in Claim 1. To the contrary, Moers teaches away by describing that the second tuner circuit (2) is dedicated to providing a scanning function to determine signal reception quality over the FM reception band and radio data system (RDS) data (Col. 4 lines 42-65). Also, use of Moers' second tuner circuit by Miyake in the manner asserted in the Office Action mailed June 5, 2006, renders the second tuner circuit unsatisfactory for its intended purpose of constantly scanning, as evidenced by Moers' completely silence on any processing of an audio signal of Moers' second tuner circuit with a digital signal processor to generate an audio output signal. Thus, neither Miyake nor Moers, alone or in combination, provide the third basic criteria for obviousness that must be met, which is that all the limitations of the claims must be taught or suggested by the combination of the cited prior art. (see MPEP 2143)

Since neither Miyake nor Moers teaches or suggests processing first and second audio signals to generate a first audio output signal and a second audio output signal, it follows that neither of the cited references describe a second audio power amplifier connected with a digital signal processor configured to receive the second audio output signal. Applicant respectfully traverses the assertion of obviousness on page 3 of the Office Action mailed June 5, 2006, that "the RDS decoder of Miyake can be associated with the second tuner of Moers in order to have a separate tuner to tune to the RDS data of Miyake to provide less interference with the regular non RDS audio signal and convert it into another audio signal."

To the contrary, as known to those skilled in the art, and described by the Background section of Miyake, RDS data is multiplexed onto an FM broadcast in a separate subwave that is synchronized with, and related to, the FM broadcast. Miyake clearly describes that both FM data

and RDS data are received with a single tuner, and separately detected and processed. Thus, Applicant respectfully asserts that the asserted motivation to combine the teachings of the cited references does not comport with the teachings of the references, and Applicant respectfully asserts that there is no teaching or suggestion of an "interference" issue between a "regular non-RDS audio signal" and RDS data that motivates the combination of Miyake and Moers as asserted. Accordingly, Applicant respectfully requests an affidavit or declaration from the Examiner, or some teachings in the art describing such interference problems and/or the motivation to overcome such problems.

Applicant also respectfully traverses that a second power amplifier connected with a digital signal processor as described in Claim 1 is taught or suggested by either of the cited references, since this limitation was disregarded in the official notice taken on page 3 of the Office Action mailed June 5, 2006, where it was acknowledged that "Miyake and Moers do not disclose a second PA [power amplifier]." In addition, the official notice asserts that "an audio amplifier can be connected to the audio unit (14) of Miyake to strengthen the audio signal," however, the mere addition of a power amplifier to Miyake's audio unit does not anticipate the limitations described in Claim 1. (emphasis added) Applicant respectfully asserts that the fact that a reference can be modified is not sufficient to establish a prima facie case of obviousness. (see MPEP 2143.01) Accordingly, Applicant respectfully challenges the official notice taken in the context of the claimed invention, and, pursuant to MPEP 2144.04(C) respectfully requests documentary evidence in support of the official notice being taken.

Claims 18-30

Claim 18 describes a digital signal processor connected with the first tuner and the second tuner configured to generate a first audio output signal as a function of the first frequency setting of the first tuner and a second audio output signal as a function of the second frequency setting of the second tuner. As previously discussed, none of the cited references teach or suggest a digital signal processor connected with a first tuner and a second tuner configured to generate a first audio output signal and a second audio output signal, or a first audio power

amplifier and a second audio power amplifier connected with a digital signal processor and configured to receive the respective first audio output signal and the second audio output signal, as described in Claim 18.

Applicant also respectfully traverses the assertion that "it would have been obvious to have a second tuner in which the RDS decoder of Miyake can be associated with the second tuner of Moers and a DSP in order to have a separate tuner to tune to the RDS data of Miyake and convert it into another audio signal and to digitally process the tuned signal." As previously discussed, "the fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." (MPEP 2143.01) Miyake describes a system in which the received broadcast signal is received by a single tuner and both the RDS data and the information amplified and output by a loudspeaker are obtained and processed. Applicant respectfully asserts that neither of the cited references describe or suggest any desirability of having "a separate tuner to tune the RDS data" as described in the office action. Accordingly, Applicant respectfully asserts that there is no basis for such a motivation to combine the cited references. Further, Applicant respectfully asserts that the addition of a second tuner for RDS data in Miyake for the reasons asserted in the Office Action mailed June 5, 2006, would add additional hardware and expense to replace an already operational system.

Also, Miyake includes a system that processes RDS data and a mono or stereomultiplex signals received by a single tuner. Thus, Applicant respectfully asserts that the addition of a second tuner to tune the RDS data changes the principal of operation of Miyake. "If the proposed modifications of the prior art would change the principal of operation of the prior art invention being modified, than the teachings of the references are not sufficient to render the claims *prima facie* obvious." (MPEP 2143.01)

For at least the previously discussed reasons, each and every claim limitation described in Claims 1 and 18 and the claims dependent therefrom are not taught or suggested by the cited references either alone or in combination. Thus, a *prima facie* case of obviousness has not been

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established. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claims 1-30.

Conclusion

The application is believed to now be in condition for allowance, which is respectfully requested. Should the Examiner deem a telephone conference to be beneficial in expediting examination and/or allowance of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sanders N. Hillis". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

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